

Court of Appeals, State of Michigan

ORDER

Shelly Nowak v Elaine K Gantz

Docket No. 258688

LC No. 2002-038692-NH

Mark J. Cavanagh
Presiding Judge

E. Thomas Fitzgerald

Jessica R. Cooper
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. The matter is remanded to the trial court to allow plaintiffs-appellees to file a motion to amend the judgment. Proceedings on remand are limited to the issues raised in the motion to remand.

Within 14 days of the Clerk's certification of this order, plaintiffs-appellees shall file their motion in the trial court to initiate the remand proceedings. **The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.**

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. The time for proceeding with the appeal begins 14 days from the date of certification of this order if the motion to amend the judgment is not filed in the trial court within the 14-day period.

Plaintiffs-appellees are to file with this Court a copy of any motion filed in the trial court within 14 days of the Clerk's certification of this order. Plaintiffs-appellees must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings. Defendants-appellants are responsible for procuring the filing of the transcript of any remand hearing. MCR 7.210(B)(1).

Judge Cooper would deny the motion for remand.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 18 2005

Date

Sandra Schultz Mengel
Chief Clerk